IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.08.2006

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THE HONOURABLE MR. JUSTICE P.JYOTHIMANI

W.P.No.27896/2006

N.Jagannathan .. Petitioner

Vs

1.The Union of India,
rep. By the Secretary to Govt.,
Ministry of Defence, New Delhi.

2.The Major,
Senior Record Officer, For OIC Record,
Madras Engineering Group, Post Box.No.4201,
Bangalore 560042.

3.The Defence Disbursing Officer,
No./29/Misc/Corr/Sep.T-9,
Office of the P.P.D.O.,
Bangalore 560 042. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records relevant to the order in No.1308638/pen(D)/128 dated 4.11.1994 passed by the 2nd respondent and quash the same as illegal, improper, unreasonable, arbitrary, against the principles of natural justice and pension rules and thereby directing the respondents to pay the disability pension from 29.6.1961 onwards and adequate compensation to the petitioner by paying the arrears of pension.

For Petitioner : Mr.M.V.Muralidaran

ORDER

This writ petition challenges the order of the 2nd respondent dated 4.11.94 by which the claim of the petitioner for disability pension in respect of his service from 29.6.1961 was rejected on the ground that the Resurvey Medical Board held at Medical Hospital, Madras, on 26.1.1961, has assessed the disability of the petitioner less than 20% and therefore the petitioner was not entitled to for disability pension with effect from29.1.1961. It is this order of 1994 which is sought to be challenged after a lapse of about 12 years. However, the learned counsel for the petitioner submits that

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the petitioner has been making repeated representations and therefore, there is no delay.

2.It is also seen that even on 23.4.2002, the 2nd respondent has reiterated the same order stating that the petitioner is suffering disability less than 20% and therefore, he is not eligible for disability pension with effect from 29.6.1961 under the existing rules.

3.In view of the facts and circumstances that the impugned order has been passed 12 years before, this Court is not inclined to interfere and the writ petition is liable to be dismissed on the ground of latches.

4.In view of the same, the writ petition fails and the same is dismissed. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1.The Secretary to Govt.,
Union of India,
Ministry of Defence, New Delhi.

2.The Major,
Senior Record Officer, For OIC Record,
Madras Engineering Group, Post Box.No.4201,
Bangalore 560042.

3.The Defence Disbursing Officer,
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Office of the P.P.D.O.,
Bangalore 560 042.

1 cc to Mr.M.V. Muralidaran, Advocate, Sr. 38533

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